

# CATEGORICAL EXEMPTION/CATEGORICAL EXCLUSION DETERMINATION FORM

<b>08-SBD-15</b>	<b>64.60/75.30</b>	<b>0K123/0815000242</b>	<b>170203</b>
Dist.-Co.-Rte. (or Local Agency)	P.M./P.M.	E.A/Project No.	Federal-Aid Project No. (Local Project)/Project No.

**PROJECT DESCRIPTION:** (Briefly describe project including need, purpose, location, limits, right-of-way requirements, and activities involved in this box. Use Continuation Sheet, if necessary.)

The proposed project is to implement the Capital Preventive Maintenance (CPM) Program which provides treatments and extends the service life of the pavement. These treatments include overlaying the Asphalt Concrete (AC) travel way lanes and shoulders with a 20-year flexible pavement design consisting of Hot Mix Asphalt (HMA) and Portland Cement Concrete (PCC); failed AC areas throughout the entire length of the project will be dug out by milling then overlaid with HMA. The project also proposes the reconstruction of dikes, ramp termini, and shoulder backing; upgrading guardrail/median barriers and existing roadway facilities, particularly ramps that do not meet Americans with Disabilities Act (ADA) standards. Further work includes cold planning and overlaying ramps with HMA; construction of vegetation control, and adjusting drainage inlets. The results of the proposed project will raise the roadway by 1.8 inches with all work to be completed within the State right of way.

**CEQA COMPLIANCE** (for State Projects only)

Based on an examination of this proposal and supporting information, the following statements are true and exceptions do not apply (See 14 CCR 15300 et seq.):

- If this project falls within exempt class 3, 4, 5, 6 or 11, it does not impact an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law.
- There will not be a significant cumulative effect by this project and successive projects of the same type in the same place, over time.
- There is not a reasonable possibility that the project will have a significant effect on the environment due to unusual circumstances.
- This project does not damage a scenic resource within an officially designated state scenic highway.
- This project is not located on a site included on any list compiled pursuant to Govt. Code § 65962.5 ("Cortese List").
- This project does not cause a substantial adverse change in the significance of a historical resource.

**CALTRANS CEQA DETERMINATION** (Check one)

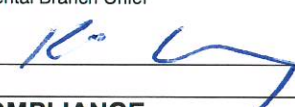
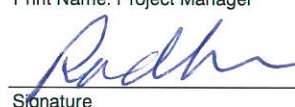
☐ Not Applicable – Caltrans is not the CEQA Lead Agency      ☐ Not Applicable – Caltrans has prepared an Initial Study or Environmental Impact Report under CEQA

☐ Exempt by Statute. (PRC 21080[b]; 14 CCR 15260 et seq.)

Based on an examination of this proposal, supporting information, and the above statements, the project is:

☒ **Categorically Exempt. Class1 (d).** (PRC 21084; 14 CCR 15300 et seq.)

☐ **Categorically Exempt. General Rule exemption.** [This project does not fall within an exempt class, but it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment (CCR 15061[b][3].)]

<p><u>Kurt Heidelberg</u></p> <p>Print Name: Senior Environmental Planner or Environmental Branch Chief</p> <p> 9/14/17</p> <p>Signature      Date</p>	<p><u>Raghuram Radhakrishnan</u></p> <p>Print Name: Project Manager</p> <p> 9-14-17</p> <p>Signature      Date</p>
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**NEPA COMPLIANCE**

In accordance with 23 CFR 771.117, and based on an examination of this proposal and supporting information, the State has determined that this project:

- does not individually or cumulatively have a significant impact on the environment as defined by NEPA, and is excluded from the requirements to prepare an Environmental Assessment (EA) or Environmental Impact Statement (EIS), and
- has considered unusual circumstances pursuant to 23 CFR 771.117(b).

**CALTRANS NEPA DETERMINATION** (Check one)


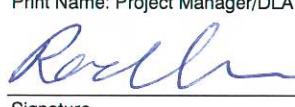
☐ **23 USC 326:** The State has determined that this project has no significant impacts on the environment as defined by NEPA, and that there are no unusual circumstances as described in 23 CFR 771.117(b). As such, the project is categorically excluded from the requirements to prepare an EA or EIS under the National Environmental Policy Act. The State has been assigned, and hereby certifies that it has carried out the responsibility to make this determination pursuant to Chapter 3 of Title 23, United States Code, Section 326 and a Memorandum of Understanding dated May 31, 2016, executed between the FHWA and the State. The State has determined that the project is a Categorical Exclusion under:

☐ 23 CFR 771.117(c): activity (c)( )

☒ 23 CFR 771.117(d): activity (d)( 9 )

☐ Activity      listed in Appendix A of the MOU between FHWA and the State

☐ **23 USC 327:** Based on an examination of this proposal and supporting information, the State has determined that the project is a Categorical Exclusion under 23 USC 327. The environmental review, consultation, and any other actions required by applicable Federal environmental laws for this project are being, or have been, carried out by Caltrans pursuant to 23 USC 327 and the Memorandum of Understanding dated December 23, 2016 and executed by FHWA and Caltrans.

<p><u>Kurt Heidelberg</u></p> <p>Print Name: Senior Environmental Planner or Environmental Branch Chief</p> <p> 9/14/17</p> <p>Signature      Date</p>	<p><u>Raghuram Radhakrishnan</u></p> <p>Print Name: Project Manager/DLA Engineer</p> <p> 9-14-17</p> <p>Signature      Date</p>
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Date of Categorical Exclusion Checklist completion: 9/13/17      Date of ECR or equivalent : 9/13/17

Briefly list environmental commitments on continuation sheet. Reference additional information, as appropriate (e.g., CE checklist, additional studies and design conditions).

**CATEGORICAL EXEMPTION/CATEGORICAL EXCLUSION DETERMINATION FORM**  
**Continuation Sheet**

**Air Quality :**

**MEMORANDUM- March 30, 2017**

This Project is exempt from all emissions analysis per Table 1 of the Carbon Monoxide (CO) Protocol (Table 2 of 40 CFR 93.126), therefore an air quality report is not needed.

**Noise Study :**

**MEMORANDUM- March 30, 2017**

This project is a Type III project per Traffic Noise analysis Protocol. It is exempt from Traffic noise analysis. Under 23 CFR 772.7, therefore a Noise study not needed.

**BIOLOGICAL RESOURCES:**

**NATURAL ENVIRONMENT STUDY (Minimal Impacts) – September 08, 2017**

**Special Status Plant Species:**

No special-status plant species were identified within the project area of impact, as currently proposed. The project will have a “no take” of state listed plant species that are listed as proposed, threatened, or endangered under CESA and does not require consultation with CDFW.

**Avoidance and Minimization Efforts:**

In order to minimize and avoid effects to the plant communities in the project area, the proposed project will implement the following measures:

**BIO-1:** The designated temporary staging are approved, additional temporary staging areas will require, a Caltrans Biologist analysis for potential project impacts and authorization. Prior to the beginning of construction, the temporary staging areas will be fenced with temporary construction fence and maintained throughout the construction of the project. The temporary staging area will be appropriately fenced in order to accurately delineate the work areas and to prevent the work areas from extending beyond the approved temporary staging area.

**BIO-2:** Pre-construction botanical surveys will be conducted either by an authorized Biologist or the Caltrans Biologist prior to mobilization to ensure the construction areas, including the temporary staging areas do not support any listed or special-status flora as described.

If listed or special-status flora are identified, then all flora within the project impact area will be flagged in order to ensure they are visible to construction personnel and are avoided. Portions of the BSA that feature multiple plants in a single location will be fenced with temporary environmentally sensitive area fencing.

**BIO-3:** Equipment Staging: Equipment, vehicles, and materials must be staged and stored in Caltrans right of-way and in areas previously paved or previously disturbed. No work will require native vegetation removal.

**BIO-4:** Materials and Spoils Control: Project materials will be not cast from the project site into surrounding areas and project related debris, spoils, and trash will be contained and removed to a proper disposal facility. Additionally, the project will prevent material, equipment, and debris from falling into the desert washes, streams, and drainages by containing all work to the designated temporary staging area and within the paved roadway.

**Special Status Animal Species Occurrences**

**DISCUSSION OF MAMMAL SPECIES :**

## CATEGORICAL EXEMPTION/CATEGORICAL EXCLUSION DETERMINATION FORM

### Continuation Sheet

Caltrans has determined the project will have a “no take” to state listed avian species that are listed as proposed, threatened, or endangered under CESA and does not require consultation with CDFW.

No special-status avian species were identified within the project area of impact, as currently proposed. Further, noise and vibrations from project activities can disrupt bird behavior. Such disruption could potentially cause birds to flee the area decreasing the local population. In order to prevent any adverse effect to the species, the following avoidance and minimization measures will be implemented.

#### **Avoidance and Minimization Efforts:**

**BIO-5:** The federal Migratory Bird Treaty Act, 16 USC § 703–711, 50 CFR 10, and Fish & Game Code §§ 3503, 3513, and 3800 protect migratory and nongame birds, their occupied nests, and their eggs. Per the Migratory Bird Treaty Act, migratory birds, their nests, and their eggs are protected; and as a result of the construction activities, the project will consider construction windows for seasonal requirements for breeding birds and migratory non-resident species. In addition, habitat clearing, if applicable, will be avoided during species active breeding season defined as February 15 to September 1. The project footprint of disturbance shall be minimized to the maximum extent feasible and access into the project site will be through pre-existing access routes.

**BIO-6:** If vegetation removal is necessary, vegetation removal will occur outside of the migratory bird nesting season, February 15 to September 1. If proposed project activities cannot be avoided during the nesting period from February 15 through September 1, an authorized Biologist will complete pre-construction bird nesting surveys for the entire project site and within the CDFW recommended 500 foot buffer surrounding the project site for both diurnal and nocturnal nesting birds, including burrowing owl, prior to commencing project related activities.

The surveys will be conducted by an authorized Biologist or the Caltrans Biologist at the appropriate time(s) of day, no more than three days prior to commencement of project activities. If an active avian nest is located, the biologist will implement a 300 foot buffer for passerine birds and a 500 foot buffer for raptors until nesting is complete or the young have fledged.

#### **DISCUSSION OF AMPHIBIAN, FISH AND REPTILE SPECIES:**

The project impact areas provide no suitable habitat for desert tortoise, arroyo toad or Mohave tui chub and thus no protocol for these listed species were conducted.

The project as proposed would not directly impact the surrounding natural environment, given the scope of work is limited to paving the travelled lanes and on/off ramps and does not require construction on any drainages, streams or desert washes.

Additionally, the project limits has permanent desert tortoise fence, and this project proposes to repair, replace and maintain the fence throughout the construction with the intention of preventing desert tortoise from entering onto the project limits. In addition, desert tortoise critical habitat as designated by US Fish and Wildlife Services is not within the BSA and the project impacts will not affect desert tortoise habitat given the project is limited to the travelled lanes which has been affected by previous highway maintenance activities. Upon, further review the project impact area supports degraded habitat for desert tortoise and therefore the project will have “no effect” on desert tortoise and will have “no effect” on designated critical habitat. The project is a covered action per the Programmatic Biological Opinion (8-8-10-F-59) Type 1 Project on the California Department of Transportation’s Small Projects and Operational Improvement Activities in Desert Tortoise Habitat in Imperial, Riverside, Inyo, Eastern Kern, Los Angeles, and San Bernardino Counties, California.

## CATEGORICAL EXEMPTION/CATEGORICAL EXCLUSION DETERMINATION FORM

### Continuation Sheet

Caltrans has determined the project will have no impacts to the listed species and thus will have a "no take" to these state listed species and a "no effect" to these federally listed species and requires no consultation with CDFW or USFWS.

#### **Avoidance and Minimization Efforts:**

The work is expected to remain within the paved roadway and disturbed shoulders. And, to ensure no impacts to desert tortoise and its habitat, the following avoidance and minimization measures will be implemented. Additionally, these measures will also be incorporated into the Programmatic Biological Opinion for a determination of "no effect" on desert tortoises

**BIO- 7:** The permanent desert tortoise fence will be repaired, replaced and maintained throughout the construction of the project. And, immediately prior to the start of any ground-disturbing activities and prior to the installation of any desert tortoise exclusion fencing, clearance surveys for the desert tortoise will be conducted by either the Contractor-Supplied Biologist or the Caltrans Biologist. The entire project area will be surveyed for desert tortoise and their burrows by an authorized biologist before the start of any ground-disturbing activities following the 2010 Field Survey Protocol. If burrows are found, they will be examined by the authorized biologist to determine if desert tortoises are present. If desert tortoises are found at the project site, then Caltrans will consult with US Fish and Wildlife Service to determine appropriate protective measures.

**BIO-8:** Work Environmental Awareness Training: An authorized biologist will present to each employee (including temporary, contractors, and subcontractors) a worker environmental awareness training prior to the initiation of work. They will be advised of proper identification of the desert tortoise, the steps to avoid impacts to the species and the potential penalties for the taking of such species. At a minimum, the program will include the following topics: occurrence of the listed and sensitive species in the project area and their general ecology, sensitivity of the species to human activities, legal protection afforded these species, penalties for violations of Federal and State laws, reporting requirements, and project features designed to reduce the impact area. If at any time a desert tortoise is observed in the project area, the Resident Engineer will cease operations immediately and will contact the Caltrans Environmental Stewardship & Monitoring Unit.

**BIO-9:** Whenever project vehicles are parked outside of a fence that is intended to preclude entry by desert tortoises, workers will check under the vehicle before moving it. If a desert tortoise is beneath the vehicle, the worker will notify the authorized biologist. If an authorized biologist is not present on-site, the Resident Engineer or supervisor must notify the Caltrans Biologist. Workers will not be allowed to capture, handle, or relocate tortoises.

**BIO-10:** Litter control measures will be implemented. Litter will be contained in containers to prevent attracting common ravens or other potential predators of the desert tortoise. Workers are prohibited from feeding all wildlife.

**BIO-11:** Materials and Spoils Control: Project materials will not be thrown from the project site into surrounding areas and project related debris, spoils, and trash will be contained and removed to a proper disposal facility.

**BIO-12:** If a desert tortoise is found in the work area, work will stop immediately, if possible the desert tortoise will be allowed to leave on its own accord. Caltrans Biologist and workers are not allowed to capture, handle, or relocate tortoises. If it is necessary to relocate a desert tortoise consultation and coordination with USFWS and CDFW will be initiated.

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**Continuation Sheet**

**Cultural Resources:**

**Section 106 Compliance –Screened Undertaking – September 12, 2017**

Caltrans in accordance with Section 106 Programmatic Agreement The provisions of the Section 106 programmatic Agreement. Executed January 1 2014, and Attachment 2 have been applied to this project. The cultural resources review was performed by professionally Qualified Staff (PQS) Steven Holm, Principal Investigator-Historic Archaeology, the Screen Undertaking is done for this project.

This undertaking is exempt from further review, no additional archaeological or built environment studies are required at this time and Section 106 compliance process, CEQA cultural resources component, and PRC 5024 compliance are complete. This memorandum documents compliance with the agreed –upon historic preservation procedures.

**Avoidance and Minimization Efforts:**

**CR-1:** If buried cultural resources are encountered during Project Activities, it is Caltrans policy that work stop in that area until a qualified archaeologist can evaluate the nature and significance of the find.

**CR-2:** In the event that human remains are found, the county coroner shall be notified and ALL construction activities within 60 feet of the discovery shall stop. Pursuant to Public Resources Code Section 5097.98, if the remains are thought to be Native American, the coroner will notify the Native American Heritage Commission (NAHC) who will then notify the Most Likely Descendent (MLD). The person who discovered the remains will contact the District 8 Division of Environmental Planning; Andrew Walters, DEBC: (909)383-2647 and Gary Jones, DNAC: (909)383-7505. Further provisions of PRC 5097.98 are to be followed as applicable.

**Hazardous Waste:**

**MEMORANDUM- March 10-2017**

This project is considered low risk with no potential to affect the project area.

**Avoidance and Minimization Efforts:**

SSP7-1.02K(6)(i)(iii) for Lead Compliance Plan in the PS&E

14-11.12 Remove Yellow Traffic Stripe and Pavement Markings with hazardous waste Residue

36-4 Residue Containing Lead from Paint& Thermoplastic

84-9.03C Remove Traffic Stripes and Pavement Marking Containing Lead

SSP-7-102 K Earth Material Containing Lead. With a Bid item Code #070030 for Lead Compliance Plan (To Address Non-Hazardous Aerially Deposited Lead include)

NSSP14-11.15 Disposal of Electrical Equipment-Requires HQ Approval.

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## Continuation Sheet

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In conjunction with the results of the above technical documentation, the Avoidance, Minimization, and/or Mitigation Measure(s) included in the initial Environmental Commitments Record (ECR) prepared for this project (and attached separately), will be implemented during the Final Design (Plans, Specifications, and Estimates) and/or the Construction phase(s) of this project, as applicable. If it is determined that revisions to the ECR are required for this project during the Final Design phase (PS&E), or the Construction phase, the ECR will be updated accordingly.

Changes to the project's scope of work, limits, construction strategy and/or staging and storage requirements, and/or the timeframe of construction, as well as Final Design (PS&E) efforts not addressed during preliminary engineering (PA&ED), will require that the District's Division of Environmental Planning be notified in a timely manner, to determine if an Environmental Re-Evaluation (including possible updates to the original Technical Studies performed, or preparation of new Technical Studies) is required.